

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #8	CCRB Case #: 201905386	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/17/2019 8:58 PM, Wednesday, 06/19/2019 7:30 AM	Location of Incident: [REDACTED]	Precinct: 41	18 Mo. SOL 12/17/2020	EO SOL 8/3/2021	
Date/Time CV Reported Wed, 06/19/2019 8:16 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 06/19/2019 8:16 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			041 PCT
2. POF Coral Pena	22322	962672	041 PCT
3. An officer			041 PCT
4. POM Stephen Bonczyk	11029	964396	041 PCT
5. POM Alexander Abreu	04929	964354	041 PCT
6. POM Joel Feliz	24505	962401	041 PCT
7. POF Aine Reynolds	23718	963229	041 PCT
8. POF Sylvia Lara	10708	964605	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jonathan Pagan	03338	961989	041 PCT
2. POM Sergei Vorobyev	19401	962864	041 PCT
3. POM Jean Germosen	05117	963537	041 PCT
4. POF Elizabeth Encarnacion	04739	955509	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Coral Pena	Force: On June 17, 2019, at § 87(2)(b) [REDACTED] in the Bronx, Police Officer Coral Pena used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POF Coral Pena	Force: On June 17, 2019, at § 87(2)(b) [REDACTED] in the Bronx, Police Officer Coral Pena used a chokehold against § 87(2)(b) [REDACTED]	[REDACTED]
C.POF Coral Pena	Discourtesy: On June 17, 2019, at § 87(2)(b) [REDACTED] in the Bronx, Police Officer Coral Pena spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
D. An officer	Force: On June 17, 2019, at § 87(2)(b) in the Bronx, an officer used physical force against § 87(2)(b).	
E.POM Joel Feliz	Abuse: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Joel Feliz threatened to notify Administration for Children's Services.	
F.POF Coral Pena	Abuse: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena threatened to notify Administration for Children's Services.	
G.POF Coral Pena	Abuse: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena interfered with individuals' use of a recording device.	
H.POM Joel Feliz	Abuse: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Joel Feliz interfered with Individuals's use of a recording device.	
I.POF Coral Pena	Abuse: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena interfered with § 87(2)(b)'s use of a recording device.	
J.POM Joel Feliz	Abuse: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Joel Feliz interfered with § 87(2)(b)'s use of a recording device.	
K.POM Stephen Bonczyk	Discourtesy: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Stephen Bonczyk spoke discourteously to § 87(2)(b).	
L.POM Stephen Bonczyk	Discourtesy: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Stephen Bonczyk spoke discourteously to § 87(2)(b).	
M.POM Alexander Abreu	Abuse: On June 17, 2019, at the 41st Precinct stationhouse, Police Officer Alexander Abreu did not obtain medical treatment for § 87(2)(b).	
N. An officer	Abuse: On June 17, 2019, at the 41st Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b).	
O. Officers	Abuse: On June 17, 2019, at the 41st Precinct stationhouse, officers sexually humiliated § 87(2)(b).	
P.POF Aine Reynolds	Abuse: On June 17, 2019, at the 41st Precinct stationhouse, Police Officer Aine Reynolds strip-searched § 87(2)(b).	
Q.POF Sylvia Lara	Abuse: On June 17, 2019, at the 41st Precinct stationhouse, Police Officer Sylvia Lara strip-searched § 87(2)(b).	
R. An officer	Abuse: On June 19, 2019, at the 41st Precinct stationhouse, an officer did not process § 87(2)(b)'s complaint regarding an officer.	

Case Summary

On June 19, 2019, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On June 17, 2019, at approximately 8:58 p.m., officers of the 41st Precinct arrested § 87(2)(b) § 87(2)(b) sister, § 87(2)(b) at § 87(2)(b) in the Bronx. During the arrest, PO Coral Pena of the 41st Precinct began restraining § 87(2)(b). A struggle ensued and PO Pena punched § 87(2)(b) and allegedly placed her in a chokehold (**Allegation A: Force, § 87(2)(g); Allegation B: Force, § 87(2)(g)**). During the exchange, PO Pena used profanities and made offensive remarks to § 87(2)(b) (**Allegation C: Discourtesy, § 87(2)(g)**). As the officers restrained § 87(2)(b) an officer allegedly pushed her § 87(2)(b)-year-old daughter, § 87(2)(b) on the ground (**Allegation D: Force, § 87(2)(g)**). After officers handcuffed § 87(2)(b) § 87(2)(b) and § 87(2)(b) PO Pena and PO Joel Feliz threatened to call ACS (**Allegation E: Abuse of Authority, § 87(2)(g); Allegation F: Abuse of Authority, § 87(2)(g)**). PO Pena and PO Feliz allegedly told two civilians and § 87(2)(b) brother-in-law, § 87(2)(b) not to record (**Allegation G: Abuse of Authority, § 87(2)(g); Allegation H: Abuse of Authority, § 87(2)(g); Allegation I: Abuse of Authority, § 87(2)(g); Allegation J: Abuse of Authority, § 87(2)(g)**). While on the scene, PO Stephen Bonczyk addressed § 87(2)(b) and § 87(2)(b) as “sweetheart” (**Allegation K: Discourtesy, § 87(2)(g)**). § 87(2)(b); **Allegation L: Discourtesy, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were arrested.

At the 41st Precinct stationhouse, PO Alexander Abreu and an unidentified officer refused to provide medical attention to § 87(2)(b) (**Allegation M: Abuse of Authority, § 87(2)(g); Allegation N: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) § 87(2)(b) felt sexually humiliated at the stationhouse because her chest and bra were allegedly exposed (**Allegation O: Sexual Misconduct, § 87(2)(g)**). PO Aine Reynolds and PO Sylvia Lara allegedly strip-searched § 87(2)(b) (**Allegation P: Abuse of Authority, § 87(2)(g); Allegation Q: Abuse of Authority, § 87(2)(g)**).

On June 19, 2019, at approximately 7:30 a.m., an officer allegedly refused to process § 87(2)(b) complaint against officers at the 41st Precinct stationhouse (**Allegation R: Abuse of Authority, § 87(2)(g)**).

The investigation obtained BWC footage and 41st Precinct stationhouse footage (Board Review 12-27). § 87(2)(b) also provided cellphone footage recorded by § 87(2)(b) (Board Review 11).

Findings and Recommendations

Allegation (A) Force: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena used physical force against § 87(2)(b)

Allegation (B) Force: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena used a chokehold against § 87(2)(b)

It is undisputed that PO Pena and additional officers from the 41st Precinct arrived at § 87(2)(b) in the Bronx to arrest § 87(2)(b) regarding a domestic incident. § 87(2)(b) sister, § 87(2)(b) and several other civilians were present at the location. As the officers began restraining § 87(2)(b) physically interfered.

None of the officers' BWC clearly captured the incident between PO Pena and § 87(2)(b)

In her CCRB statement, § 87(2)(b) admitted to grabbing and pulling § 87(2)(b) Lopez-Reyes away from the officers as they attempted to arrest her (Board Review 01). § 87(2)(b) stated that PO Pena then grabbed her by the shirt while other officers grabbed her arms and folded them behind her back. PO Pena subsequently struck § 87(2)(b) in the chest, face, and shoulder while two officers restrained § 87(2)(b) arms. PO Pena grabbed § 87(2)(b) by the neck and squeezed it. In response, § 87(2)(b) grabbed PO Pena's wrist and scratched PO Pena's wrist when the other officers pulled § 87(2)(b) arm away.

In a phone statement, § 87(2)(b) stated that an officer hit § 87(2)(b) (Board Review 03). When asked to clarify, § 87(2)(b) § 87(2)(b) placed the call on hold and when she returned she said that the officer punched § 87(2)(b) breasts, face, wrist, and arms.

The investigation was unable to reach § 87(2)(b) and § 87(2)(b) other sister, § 87(2)(b) and § 87(2)(b) did not cooperate with the investigation. In a phone statement, § 87(2)(b) stated that he saw officers hit § 87(2)(b) but did not provide additional details (Board Review 02).

In her CCRB statement, PO Pena stated that § 87(2)(b) grabbed her left wrist and forearm and then dug her nails into those areas (Board Review 04). PO Pena turned around and pushed § 87(2)(b) away. § 87(2)(b) grabbed PO Pena by her vest and shirt and refused to let go. PO Pena pressed one hand against § 87(2)(b) chest and grabbed her arm to move her away. PO Pena's palm was against § 87(2)(b) chest while her thumb and pointer finger were placed in the area below her neck for approximately a second. PO Pena stated that she made physical contact with § 87(2)(b) chest and neck area because they were the same height, § 87(2)(b) had grabbed her vest, and it was the closest area to PO Pena. PO Pena did not recall if she squeezed her neck because it happened so quickly. PO Pena did not know if she made physical contact with § 87(2)(b) neck as they continued to push back and forth. PO Pena attempted to punch § 87(2)(b) by her upper body twice, but she never made physical contact because § 87(2)(b) § 87(2)(b) pulled away. Eventually, PO Abreu pulled PO Pena away from § 87(2)(b) PO Pena denied placing § 87(2)(b) in a chokehold and denied using any additional force against § 87(2)(b)

In PO Bonczyk's CCRB statement, PO Bonczyk stated that § 87(2)(b) came from behind PO Pena and reached her arm across PO Pena, obstructing PO Pena (Board Review 05). PO Bonczyk did not know exactly what § 87(2)(b) did with her hand and he did not see what happened between § 87(2)(b) and PO Pena immediately after this.

In his CCRB interview, PO Abreu stated that § 87(2)(b) pulled PO Pena by her neck area (Board Review 10). In response, PO Pena used both hands to push § 87(2)(b) s arms away once. PO Pena and § 87(2)(b) then grabbed each other's arms. In response, PO Abreu went in between PO Pena and § 87(2)(b) but walked away as other officers began to handcuff § 87(2)(b)

Neither PO Bonczyk nor PO Abreu saw PO Pena punch § 87(2)(b) or squeeze her neck.

In his CCRB testimony, PO Feliz stated that § 87(2)(b) grabbed PO Pena's hands, scratched, pulled, and tugged at PO Pena (Board Review 07). PO Pena sustained marks on her neck and chest as a result. PO Feliz recalled § 87(2)(b) wrapping her hands around PO Pena, possibly around her neck. PO Feliz did not recall anything else that occurred between § 87(2)(b) and PO Pena. PO Feliz did not recall if he saw PO Pena punch § 87(2)(b) or if PO Pena make physical contact with § 87(2)(b) neck area.

TRI report #§ 87(2)(b) noted that PO Pena used hand strikes against § 87(2)(b). Attached to the TRI report are three photos depicting PO Pena's injuries she sustained on her neck, wrist, and forearm.

§ 87(2)(b) was charged with § 87(2)(b), § 87(2)(a) 160.50. In her arrest report, it noted that § 87(2)(b) grabbed and lunged at officers' neck and arms causing lacerations (Board Review 11).

§ 87(2)(g)

Allegation (C) Discourtesy: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena spoke discourteously to § 87(2)(b)

At 1:47 of PO Pena's BWC, PO Pena asks § 87(2)(b) "You fucking crazy? Are you fucking crazy? You fucking crazy? (Board Review 19)" At 1:53, PO Pena then tells § 87(2)(b) § 87(2)(b) "Touch me again. Touch me again you fucking bitch." PO Pena and another officer then says, "Take her." Between 2:00 and 2:09, PO Pena says, "She put her fucking hands on me," "Put your fucking hands behind your back," and, "Take your fucking hands behind your back." None of the officers' BWC does captures what occurred when PO Pena used the profanities.

In her CCRB statement, PO Pena admitted that she said, "You fucking crazy" because she was surprised from § 87(2)(b) intervening with the arrest in such a violent manner (Board Review 04). PO Pena admitted to saying, "Touch me again you fucking bitch," because she was upset and because § 87(2)(b) placed her hand on PO Pena's neck a couple of seconds prior to PO Pena making that statement. PO Pena stated that she used profanities because she was angry and § 87(2)(b) was under arrest.

NYPD Patrol Guide Procedure 203-10 stated that officers shall not use discourteous or disrespectful remarks regarding someone's race, ethnicity, religion, gender, gender identity/expression, sexual orientation, or disability (Board Review 32). In DAO-DCT case number: 2017-17276, in a violent and stressful street encounter, "language which would ordinarily be inappropriate in dealing with civilians may be excused (Board Review 34)."

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Force: On June 17, 2019, at § 87(2)(b) in the Bronx, an officer used physical force against § 87(2)(b)

In her CCRB statement, § 87(2)(b) stated that § 87(2)(b) hugged her waist as the officers were restraining her (Board Review 01). § 87(2)(b) later learned that one of the officers pushed § 87(2)(b) did not witness this.

In a phone statement, § 87(2)(b) stated that she was pushed down, but she did not see who pushed her (Board Review 03).

As noted above, § 87(2)(b) and § 87(2)(b) did not provide a sworn statement. Additionally, § 87(2)(b) did not mention this event in his phone statement (Board Review 02).

None of the officers' BWC captured this incident. All of the officers interviewed denied pushing § 87(2)(b) or seeing an officer do so (Board Review).

§ 87(2)(g)

Allegation (E) Abuse of Authority: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Joel Feliz threatened to notify Administration for Children's Services.

Allegation (F) Abuse of Authority: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena threatened to notify Administration for Children's Services.

It is undisputed that § 87(2)(b) was placed under arrest and her §-year-old child was on scene. It is also undisputed that PO Feliz threatened to call ACS.

At 10:55 of PO Feliz's BWC, § 87(2)(b) tells PO Feliz that § 87(2)(b) does not have a father (Board Review 18). PO Feliz then asks § 87(2)(b) if there was an aunt or "anyone like that" and § 87(2)(b) says, "No, no one lives here." PO Feliz then tells § 87(2)(b) that they were going to call ACS. However, § 87(2)(b) later tells PO Feliz that her sister is present. None of the officers' BWC capture PO Pena mentioning ACS to § 87(2)(b)

PO Feliz's CCRB statement was consistent with his BWC. PO Feliz stated that to his understanding, when the subject is arrested and there is no other caretaker for the child then ACS has to be called to care for the child (Board Review 07). PO Feliz stated that either § 87(2)(b) § 87(2)(b) or § 87(2)(b) later told him that an uncle was present and so § 87(2)(b) was then left with the uncle.

In her CCRB statement, PO Pena denied informing § 87(2)(b) that ACS would be called and did not recall any officers doing so (Board Review 04). To her knowledge, if there are no other family members on the scene then they would remove the child to the stationhouse and notify ACS.

NYPD Patrol Guide Procedure 215-01 states that a child/minor less than eighteen years of age may require care and/or shelter if they are without care or supervision due to hospitalization, death or arrest of parent or person legally responsible for care and/or shelter (Board Review 31). Upon determining that a child/minor requires care and/or shelter the officer is to notify Administration for Children's Services (ACS) if relative or friend are not available to care for child.

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Abuse of Authority: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena interfered with individuals' use of a recording device.

Allegation (H) Abuse of Authority: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Joel Feliz interfered with individuals' use of a recording device.

Allegation (I) Abuse of Authority: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Coral Pena interfered with § 87(2)(b)'s use of a recording device.

Allegation (J) Abuse of Authority: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Joel Feliz interfered with § 87(2)(b)'s use of a recording device.

In her CCRB statement, § 87(2)(b) stated that PO Pena and PO Feliz told two unidentified individuals and § 87(2)(b) not to record and stay back as the officers escorted her and § 87(2)(b) into the police vehicle (Board Review 01). § 87(2)(b) estimated that the civilians were approximately four feet away. § 87(2)(b) did not provide the other civilians' contact information.

As noted above, § 87(2)(b) and § 87(2)(b) did not provide a sworn statement. In his phone statement, § 87(2)(b) stated that he recorded the incident and did not mention that officers interfered (Board Review 02). In a cellphone footage recorded by § 87(2)(b) it appears that § 87(2)(b) ended the recording of his own volition (Board Review 12). The cellphone footage did not capture any officers telling § 87(2)(b) or any individuals not to record.

PO Feliz did not recall interfering with a civilian's ability to record the incident and did not recall any officers doing so (Board Review 07). PO Pena denied telling a civilian not to record and did not hear an officer do so.

PO Pena and PO Feliz's BWC captured the entirety of the incident and neither PO Pena nor PO Feliz told anyone not to record (Board Review 04).

§ 87(2)(g)

Allegation (K) Discourtesy: On June 17, 2019, at § 87(2)(b) in the Bronx, Police Officer Stephen Bonczyk spoke discourteously to § 87(2)(b)

Allegation (L) Discourtesy: On June 17, 2019, at § 87(2)(b) in the Bronx, Police

Officer Stephen Bonczyk spoke discourteously to § 87(2)(b)

As noted above, the investigation was unable to locate § 87(2)(b) to obtain a statement. Additionally, § 87(2)(b) and § 87(2)(b) did not mention this in their statements (Board Review 01 and 03).

At 7:24 of PO Bonczyk's BWC, PO Bonczyk says, "Sweetheart, sweetheart. We'll get with you in a few minutes okay (Board Review 14)." From the BWC footage, it is unclear who he is speaking to and what is happening. However, in his CCRB statement, PO Bonczyk stated that he was speaking to § 87(2)(b) as she hung on to § 87(2)(b) (Board Review 05). PO Bonczyk initially said he did not know why he called § 87(2)(b) "sweetheart," but during the interview when PBA representative Richard Murray asked, "Are you trying to calm the girl down," PO Bonczyk answered, "Yes."

At 7:48, PO Bonczyk tells § 87(2)(b) to relax and then says, "Sweetheart, sweetheart, sweetheart. You got to relax." Immediately prior to this, § 87(2)(b) was screaming as PO Bonczyk brought her to the police vehicle. In his CCRB statement, PO Bonczyk stated that he did not have an independent recollection of calling § 87(2)(b) "sweetheart." PO Bonczyk stated that he did not know § 87(2)(b) name and was trying to calm her down.

PO Bonczyk resigned from the NYPD on April 1, 2020.

NYPD Patrol Guide Procedure 203-10 stated that officers shall not use discourteous or disrespectful remarks regarding someone's race, ethnicity, religion, gender, gender identity/expression, sexual orientation, or disability (Board Review 32).

Patrol Guide Procedure 205-36 defines sexual harassment as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (Board Review 35). Sexual harassment includes, but is not limited to, sexually suggestive remarks, pictures, gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary or unwanted touching, patting or pinching.

§ 87(2)(g)

§ 87(2)(g)

Allegation (M) Abuse of Authority: On June 17, 2019, at the 41st Precinct stationhouse, Police Officer Alexander Abreu did not obtain medical treatment for § 87(2)(b)

Allegation (N) Abuse of Authority: On June 17, 2019, at the 41st Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b)

In her CCRB statement, § 87(2)(b) stated that when she arrived at the 41st Precinct stationhouse, she told PO Abreu that she wanted to go to the hospital because her arm was hurting, but PO Abreu did not respond (Board Review 01). At a later point, while she was sitting on a chair, she told another officer that she wanted to go to the hospital and the officer told her that it would delay her release. § 87(2)(b) described this officer as a male, "Hindu", who spoke some Spanish, in uniform, with black hair, facial hair along his jawline, and 40 years old.

In his CCRB statement, PO Abreu stated that § 87(2)(b) complained that her hands hurt when they removed her handcuffs, but PO Abreu did not see any injuries on her hands (Board Review 10). PO Abreu did not recall if he said anything in response. PO Abreu stated that § 87(2)(b) did not request to go to the hospital. PO Abreu denied refusing to allow § 87(2)(b) to go to the hospital and did not hear an officer doing so.

In their CCRB interviews, PO Bonczyk, PO Pena, and PO Lara were unaware if § 87(2)(b) § 87(2)(b) requested medical attention (Board Review 04, 05, 08). PO Feliz did not recall if § 87(2)(b) requested to go to the hospital and PO Reynolds stated that § 87(2)(b) did not do so (Board Review 07 and 09).

None of the BWC footage capture the entire time § 87(2)(b) was held at the stationhouse or capture § 87(2)(b) requesting to go to the hospital.

At 57:25 of the 41st Precinct stationhouse footage inside the holding cells, an unidentified officer speaking with § 87(2)(b) as she was handcuffed to a bench in front of a holding cell (Board Review 28). However, this officer is not clearly depicted and there is no sound. Additionally, the stationhouse footage received does not capture the entirety of § 87(2)(b) § 87(2)(b) detention.

§ 87(2)(g)

§ 87(2)(g)

Allegation (O) Sexual Misconduct: On June 17, 2019, at the 41st Precinct stationhouse, officers sexually humiliated § 87(2)(b)

In her CCRB statement, § 87(2)(b) stated that while at the stationhouse, prior to her being brought to the bathroom to be searched, her chest/bra were exposed and she felt humiliated (Board Review 01). § 87(2)(b) did not say whether she requested to have her chest or bra covered.

At 15:08 of PO Abreu's BWC, § 87(2)(b) is fully dressed as she exits the police vehicle and walks in the stationhouse. Starting at 9:54 of the 41st Precinct stationhouse (labeled front entrance) video footage, officers escort § 87(2)(b) to the front desk. The footage captures the entire time § 87(2)(b) was in front of the desk and when she was brought to the bathroom. At no point was § 87(2)(b) chest or bra exposed while she was by the front desk.

§ 87(2)(g)

Allegation (P) Abuse of Authority: On June 17, 2019, at the 41st Precinct stationhouse, Police Officer Aine Reynolds strip-searched § 87(2)(b)

Allegation (Q) Abuse of Authority: On June 17, 2019, at the 41st Precinct stationhouse, Police Officer Sylvia Lara strip-searched § 87(2)(b)

It is undisputed that PO Reynolds and PO Lara escorted § 87(2)(b) to the bathroom to search her. However, it is disputed whether PO Reynolds or PO Lara strip-searched her.

In her CCRB statement, § 87(2)(b) stated that PO Reynolds and PO Lara lifted up her bra and touched her breasts when they were checking her in the bathroom (Board Review 01).

In their CCRB testimony, PO Reynolds and PO Lara stated that they did not recall who they searched, but they searched at least one of the females inside the 41st Precinct stationhouse bathroom (Board Review 08 and 09).

PO Reynolds stated she conducted a typical search which she described as searching the pockets of the civilian's clothing, waistband, and bra area. PO Reynolds did not recall how she searched the bra area, but if the civilian's top is thin enough then she generally searches through the top or she would use her fingers to pull the elastic part of the bra forward under the top to check if the bra was concealing anything. PO Reynolds stated that this was a routine search. No one instructed PO Reynolds to conduct a strip-search and she did not strip search anyone. PO Reynolds said PO Lara searched the other female.

PO Lara stated that § 87(2)(b) and § 87(2)(b) were brought to the bathroom to conduct a routine search and it is was procedure to do so because there were male officers outside. Inside the bathroom. PO Lara searched either § 87(2)(b) or § 87(2)(b) or both by patting their breasts, bra, and pants. The pat-down yielded negative results for anything. PO Lara denied feeling any objects under the female's bra and did not lift up her bra. § 87(2)(b) and § 87(2)(b) breasts were never exposed and she did not see an officer lift up either of their bras inside the bathroom.

A strip-search was not noted in the Command log or § 87(2)(b) arrest report (Board Review 11 and 36).

None of the officers' BWC captured what occurred between the officers and § 87(2)(b) inside the bathroom.

§ 87(2)(g)

Allegation (R) Abuse of Authority: On June 18, 2019, at the 41st Precinct stationhouse, an officer refused to process § 87(2)(b) civilian complaint.

In her CCRB statement, § 87(2)(b) stated she went back to the 41st Precinct stationhouse on June 19, 2019, at approximately 7:30 a.m. to file a complaint against PO Pena and retrieve her property (Board Review 01). An officer told § 87(2)(b) that the officers would not want to receive her complaint at the stationhouse and provided § 87(2)(b) with the CCRB's phone number. § 87(2)(b) then left the stationhouse. § 87(2)(b) described this officer as a Hispanic female, in uniform, 5'6" tall, with a slim build, black hair with yellow streaks, 23 years old, and spoke Spanish.

Video footage depicting the inside of the 41st Precinct stationhouse between 7:00 a.m. and 8:00 a.m. on June 19, 2020, did not capture § 87(2)(b) entering the stationhouse (Board Review 26 and 27). Additionally, the video footage did not capture an officer matching § 87(2)(b)

§ 87(2)(b) description of the subject officer.

PO Encarnacion was assigned to the Telephone Switchboard at the time § 87(2)(b) was allegedly in the stationhouse (Board Review 06). During her CCRB interview, PO Encarnacion did not recognize § 87(2)(b) and denied telling a civilian that she would not receive their complaint or hear an officer do so. PO Encarnacion stated that her hair was solely brown at the time of incident and she was § 87(2)(b) old at the time of incident.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) have been a party (Board Review 37-39).
- PO Pena has been a member of service for three years and this is the first CCRB complaint to which she has been a subject.
- PO Feliz has been a member of service for three years and has been a subject in three CCRB complaints and 11 allegations which were not substantiated.
- PO Abreu has been a member of service for two years and this is the first CCRB complaint to which he has been a subject. § 87(2)(g)
- PO Lara has been a member of service for three years and this is the first CCRB complaint to which she has been a subject.
- PO Reynolds has been a member of service for two years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim query was sent to the NY Comptroller's office via email. The results are pending (Board Review 29).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 30).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 33).
- A search of § 87(2)(b) criminal history was not conducted given that there is limited information for her and she is § 87(2)(b) years old.

Squad No.: 8

Investigator: Patrick Yu SI Patrick Yu 04/10/2020
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 4/14/2020

CCRB Case # 201905386

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date